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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,065	07/15/2003	Beth A. Besner	3756	7999

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EXAMINER

AHMAD, NASSER

ART UNIT PAPER NUMBER

1772

DATE MAILED: 10/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/620,065

Applicant(s)

BESNER ET AL.

Examiner

Nasser Ahmad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 7-29 and 31-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-29 and 31-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 17, 2005 has been entered.

***Rejections withdrawn***

2. Claims 1-2, 7-9, 11, 15-17, 19, 21-23, 25-27, 34-36 and 38 rejected under 35 USC 102(b) as being anticipated by Albrecht made in the last Office Action of May 27, 2005 has been withdrawn in view of the amendment filed on August 17, 2005.

3. Claims 1-4, 7-9, 11, 15-19, 21-23, 25-29 and 34-38 rejected under 35 USC 103(a) as being unpatentable over Albrecht in view of MacLean has been withdrawn in view of the amendment.

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4. Claims 6, 10, 12-14 and 30-33 rejected under 35 USC 103(a) as being unpatentable over McKenzie in view of Albrecht has been withdrawn in view of the amendment.
5. Claims 20 and 39 rejected under 35 USC 103(a) as being unpatentable over Albrecht in view of McLean and Tanaka has been withdrawn in view of the amendment.
6. Claim 24 rejected under 35 USC 103(a) as being unpatentable over Albrecht in view of Knisely has been withdrawn in view of the amendment

***Response to Arguments***

7. Applicant's arguments with respect to claims 1-4, 7-11, 13-29 and 31-39 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claims 1-2, 7-11, 13-17, 19, 21-23, 25-27, 30-36 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albrecht (4875242) in view of Thygesen (4766617).

Albrecht relates to a disposable sanitary seat cover (10) comprising an annulus (12) having a polygonal perimeter and an ovalled inner edge (18) and a protective flap (54) attached to the inner edge of the annulus as shown in figure-2. The annulus is of a multi-ply embossed laminated paper sheet having a top layer (24) of tissue paper and a bottom layer (26) of a machine glazed paper, and an adhesive fastening means (57) for temporarily securing the cover to the toilet, wherein the adhesive means is attached to the bottom layer. The annulus has a polygonal perimeter, such as a rectangle (figure-2). Figure-2 shows, by the cross-hatch lines, that the embossing pattern is rectangularly checkered. The adhesive fastening means (57) comprises a pressure sensitive adhesive (PSA) covered with a release liner (62). The adhesive Tape (58) is a double-sided adhesive tape with a carrier sandwiched between the two adhesive layers because the the two adhesive sides have different adhesive strength (col. 5, lines 6-12). Further, figure-2 also shows that the adhesive fastening means are two or more islets or strips (58 and 60). The absorbent layer is embossed which is understood to include printing and can comprise a two-ply layer (col. 3, lines 62-64 and figure-6). For claim 22, the length is approximately that of the toilet seat and the width is slightly wider (abstract). Figures 3-5 displays that the cover sheet is folded to fit into a bag and a finger lift to facilitate removal of a single cover from the bag. However, Albrecht fails to teach that the flap is perforatedly attached to the annulus. Thygesen discloses a

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sanitary seat cover comprising an annulus with a perforatedly attached center (4) filed including a flap (4A) as shown in figure-1 (col. 3, lines 20-30) to provide the advantage of removing the flap as needed. Therefore, it would have been obvious to one having ordinary skill in the art to utilize Thygesen's teaching of using perforatedly attached flap with the toilet seat cover in the invention of Albrecht with the motivation to provide for detaching the flap to provide an opening to the toilet or use it as a wipe.

The embossing is understood and interpreted by the examiner to include quilting.

The glazed paper is understood to be moisture impervious because glazing process provides for a filmy surface to the paper to render it impervious to water.

10. Claims 3-4, 18, 28-29 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albrecht in view of Thygesen and MacLean (4887321).

Albrecht and Thygesen, as discussed above, fails to teach that the impervious bottom layer is polyethylene. MacLean discloses a toilet seat cover (10) comprising a paper sheet (11) coated with synthetic plastic material such as polyethylene (col. 7, lines 1-3). Therefore, it would have been obvious to one having ordinary skill in the art to utilize MacLean's teaching of using a bottom layer of polyethylene in the invention of Albrecht with the motivation to provide a protection barrier.

For claims 18 and 37, the presence of odorous or fragranced seat cover is well known and conventional in the art as evidenced by Canadian patent 315,162 cited in MacLean, col. 3, line 49 and that fragrance or odorous are deemed to be synonymous in the art as both are directed to suppressing unpleasant smell.

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11. Claims 20 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Albrecht in view of MacLean and Tanaka (6663949).

Albrecht and MacLean, as discussed above, fails to teach that the absorbent layer contains water swellable polymeric particles. Tanaka discloses an absorbent sheet comprising water swellable polymeric particle embedded therein (abstract and col. 3, lines 5 and 14). The also contains deodorizer. The sheet can be used as toilet sheet. Therefore, it would have been obvious to one having ordinary skill in the art to utilize Tanaka's teaching of using water swellable polymeric particles in the absorbent layer of the toilet seat liner in the invention of Albrecht with the motivation to provide for dry seat for hygienic purpose.

12. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Albrecht in view of Knisely (1835787).

Albrecht, as discussed above, fails to teach that the absorbent layer contains an antiseptic. Knisely discloses a sanitary closet seat cover(3) made of crepe tissue paper which is absorbent and is treated with antiseptic (page-1, lines 72-79). Therefore, it would have been obvious to one having ordinary skill in the art to utilize Knisely's teaching of using tissue absorbent paper with antiseptic treatment in the invention of Albrecht with the motivation to provide protection from germs.

***Response to Arguments***

13. Applicant's arguments filed August 17, 2005 have been fully considered but they are not persuasive.

In response to applicant's argument that the Final Rejection was premature, it is noted that the Final rejection was made as necessitated by amendment made by the applicant. Thus, the final Rejection was not found to be improper as alleged by the applicant.

Applicant's argument about Albrecht's toilet seat cover does not teach an annulus having an ovalled inner edge, applicant is directed to Albrecht's figure-2 which clearly shows that the inner edge is ovalled as claimed.

Regarding the argument that no portion of applicant's toilet seat cover can hang down into the toilet at any time, applicant is informed that the claimed cover product comprises an annulus with a detachable center field section and this is found to be obvious over the prior art of Albrecht in view of Thygesen as discussed above. Also, as discussed above, the flap is understood to be in the center portion of the seat cover as taught by the prior art.

Applicant argues that glazed paper is not water impervious. This is not deemed to be persuasive because it is well known in the paper art that non-glazed paper is absorbent as evidenced by Naylor, col. 4, lines 60-61. This is because non-glazed paper is porous, while glazed paper is made non-porous by treatment.

As for the rejection of Albrecht in view of MacLean argued by the applicant, this is not found to be persuasive because the prior art's flap or center section can be use as a



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wipe. Further, the function of using it as a wipe is an intended use of the center section. Further, applicant has not provided any evidence that the flap cannot be detached from the annulus and be used as a wipe or a part of a wipe.

Regarding the rejection over McKenzie in view of Albrecht, the argument by the applicant is moot in view of the rejection being withdrawn.

Applicant argues that Tanaka's polymer swells and gets tacky, which is different from applicant's invention. This is not deemed to be persuasive because Tanaka reads on the recited claimed invention in that it teaches the presence of water-swellable polymer particle distributed in the matrix.

Regarding the argument that "fragrance" is different from "deodorizer", applicant should note that both said phrases are synonymous and are directed to suppressing unpleasant smell. Hence, it would be obvious to one having ordinary skill in the art to utilize one for the other.

Applicant argues that Knisely fails to teach the elimination of contact with moisture. This is not deemed to be convincing because Knisely was cited to show that it is known and obvious in the art to provide antiseptic with tissue absorbent paper.

Thus, in the absence of any evidence to the contrary, it remains the examiner's position that the claimed invention would have been obvious over the prior art of record discussed above.


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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nasser Ahmad whose telephone number is 571-272-1487. The examiner can normally be reached on 7:30 AM to 5:00 PM, and on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Nasser Ahmad 10/2/05  
Primary Examiner  
Art Unit 1772

N. Ahmad.  
October 2, 2005.